

April 3, 1978

LB 748

whole criminal code over this and you do need 748, don't you, Senator Barnett? And I guess that's where it is, you know. It's difficult. I know I'm right and yet I want to accommodate them and resolve the problem without destroying something else.

SENATOR DUIS: Well, Senator, certainly you don't think that two wrongs will make a right, do we?

SENATOR DE CAMP: Well, I don't know. No. I'm not changing the law by pulling the amendment off. The constitution is still there. The officials still should have the pressure to enforce that constitution, but I think we can statutorily resolve it in January, but on this one, as I say, it's--I think this money should be going in the schools. If I had the power to do it immediately I would. I don't.

SENATOR DUIS: Well, the only power you would need would be for the Attorney General to take action, right?

SENATOR DE CAMP: I haven't been able to accomplish that.

PRESIDENT: Senator Frank Lewis.

SENATOR F. LEWIS: Mr. Chairman, I'd like to ask just two questions in terms of clarification of the issue, if I could ask Senator Warner both of those questions. Senator Warner, has there been an attempt to usurp legitimate funds that were to go to schools for other purposes?

SENATOR WARNER: I could not answer that, Senator Lewis. I do understand there is a court case pending in the Supreme Court questioning the disposition of some of these court costs, yes.

SENATOR F. LEWIS: Well in other words, the issue was that there's no question that fine money goes to schools. Is that correct?

SENATOR WARNER: I believe that's correct.

SENATOR F. LEWIS: And now someone is defining fine money as court cost money?

SENATOR WARNER: A penalty, I believe is what Senator DeCamp's amendment did.

SENATOR F. LEWIS: Senator DeCamp, I'll ask you the questions when I get ready to here in a minute, but let me continue in organized fashion here. The question is, was there an attempt to divert money that legitimately belongs to the schools to the municipalities?

SENATOR WARNER: Senator Lewis, I could not say yes and I understand that issue is before the Supreme Court as to whether or not that was the case.

SENATOR F. LEWIS: In your judgement, is that the case?

SENATOR WARNER: No.

SENATOR F. LEWIS: Senator DeCamp, could I ask you some questions now since you wanted to talk? Some of them. Now, Senator DeCamp, let me ask the question again. Are fine monies to go to schools?

08379